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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-884**

13 **WILLIAM LONNIE WEST III**  
2429 E. Broadway, Apt. #6  
Long Beach, CA 90803

**ACCUSATION**

14 Registered Nurse License No. 680901

15 Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs (Board).

23 2. On or about June 16, 2006, the Board of Registered Nursing issued Registered Nurse  
24 License Number 680901 to William Lonnie West III (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on March 31, 2012, unless renewed.  
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1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
7 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
8 disciplinary action during the period within which the license may be renewed, restored, reissued  
9 or reinstated.

10 5. Section 490 of the Code states, in pertinent part:

11 “(a) In addition to any other action that a board is permitted to take against a licensee, a  
12 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
13 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
14 or profession for which the license was issued.

15 ...

16 “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
17 conviction following a plea of nolo contendere. An action that a board is permitted to take  
18 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
19 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
20 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
21 1203.4 of the Penal Code.”

22 6. Section 2750 of the Code states:

23 “Every certificate holder or licensee, including licensees holding temporary licenses, or  
24 licensees placed in an inactive status, may be disciplined as provided in this article. As used in  
25 this article, ‘license’ includes certificate, registration, or any other authorization to engage in  
26 practice regulated by this chapter. The proceedings under this article shall be conducted in  
27 accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of  
28 the Government Code, and the board shall have all the powers granted therein.”

7. Section 2761 of the Code states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

~~“(a) Unprofessional conduct, which includes, but is not limited to, the following:~~

...

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a Registered Nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

8. Section 2765 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a Registered Nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.”

## REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1444, states, in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions, or duties of a Registered Nurse if to a substantial degree it evidences the present or potential unfitness of a Registered Nurse to practice in a manner consistent with the public health, safety, or welfare.”

## COST RECOVERY

10. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3  
4 **FIRST CAUSE FOR DISCIPLINE**

5 (Conviction of Substantially Related Crime)

6 11. Respondent is subject to disciplinary action under Code sections 490, subdivision (a),  
7 and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section  
8 1444, in that Respondent was convicted of a crime substantially related to the qualifications,  
9 functions, and duties of a Registered Nurse. On or about September 8, 2010, Respondent was  
10 convicted, upon a plea of nolo contendere, of violating Penal Code section 647, subdivision (a)  
11 (solicitation/engaging in lewd or dissolute conduct in a public place), a misdemeanor, in the  
12 criminal proceeding entitled *The People of the State of California v. William Lonnie West III*  
13 (Super. Ct. Los Angeles County, 2010, No. 0LG01096). The Court sentenced Respondent to ten  
14 days in jail, placed him on three years probation, and ordered him to pay fines and restitution.

15 12. The circumstances of the conviction are that on or about April 4, 2010, Respondent  
16 drove to the area of Ninth Street and Jackson Avenue in Long Beach, California and exposed  
17 himself to a passerby. The victim, having been summoned to the vehicle by Respondent,  
18 observed Respondent with his pants and underclothes lowered and his genitalia exposed.  
19 Respondent asked the victim whether he wanted "it," referring to Respondent's exposed genitalia.  
20 The victim said "no," at which point Respondent offered to engage in oral copulation. The victim  
21 refused, walked away from the area, and contacted police. Long Beach Police Department  
22 Officer Stein conducted an enforcement stop of Respondent after Respondent was observed  
23 driving less than a block from the scene in a vehicle matching the description provided by the  
24 victim.

25 13. Respondent is subject to disciplinary action because his conviction for lewd or  
26 dissolute conduct in a public place substantially relates to the qualifications, functions, and duties  
27 of a Registered Nurse, and evidences a present inability to perform with safety to the public the  
28 functions and duties of the position for which he is licensed. Complainant refers to and by this

1 reference incorporates the allegations set forth in paragraphs 11–12, inclusive, as though set forth  
2 fully.

3  
4 **OTHER MATTERS**

5 14. On or about July 9, 1997, Respondent was convicted, upon a plea of nolo contendere,  
6 of possessing a controlled substance in violation of Health and Safety Code section 11137,  
7 subdivision (a), a misdemeanor, in the criminal proceeding entitled *The People of the State of*  
8 *California v. William Lonnie West III* (Super. Ct. Los Angeles County, 1997, No. YA031940).  
9 Respondent was sentenced to 45 days in jail, placed on three years probation, and ordered to pay  
10 fines and restitution. Respondent's conviction was set aside on or about October 27, 2005  
11 pursuant to Penal Code section 1203.4.

12 15. On or about June 5, 1997, Respondent was convicted, upon a plea of nolo contendere,  
13 of possessing a controlled substance in violation of Health and Safety Code section 11137,  
14 subdivision (a), a misdemeanor, in the criminal proceeding entitled *The People of the State of*  
15 *California v. William Lonnie West III* (Super. Ct. Los Angeles County, 1997, No. YA028033).  
16 Respondent was sentenced to 40 days in jail, placed on three years probation, and ordered to pay  
17 fines and restitution. Respondent's conviction was set aside on or about August 19, 2005  
18 pursuant to Penal Code section 1203.4.

19 16. On or about May 16, 1996, Respondent was convicted, upon a plea of nolo  
20 contendere, of buying/selling/possessing a vehicle from which a serial or identification number  
21 has been removed in violation of Vehicle Code section 10751, subdivision (a), a misdemeanor, in  
22 the criminal proceeding entitled *The People of the State of California v. William Lonnie West III*  
23 (Super. Ct. Los Angeles County, 1996, No. 95M04095). Respondent was sentenced to three days  
24 in jail and ordered to pay court costs. Respondent's conviction was set aside on or about August  
25 3, 2005 pursuant to Penal Code section 1203.4.

26 **PRAYER**

27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
28 and that following the hearing, the Board of Registered Nursing issue a decision:

- 1           1.     Revoking or suspending Registered Nurse License Number 680901, issued to  
2 William Lonnie West III;
- 3           2.     Ordering William Lonnie West III to pay the Board of Registered Nursing the  
4 reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
5 125.3; and
- 6           3.     Taking such other and further action as deemed necessary and proper.

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8  
9 DATED: \_\_\_\_\_

4/26/11

*Louise Bailey*  
for

LOUISE R. BAILEY, M.Ed., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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